

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Attorney 15442U502

In the Application of:  
Schoner  
  
U.S. Serial No.: 10/825,395  
  
Filed: 4/15/2004  
  
Examiner: Vo  
  
Group Art Unit: 2625

RESPONSE TO NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents

Sir:

This is in response to the Notice of Non-Compliant Appeal Brief that was sent on November 18, 2009. The Non-Compliant Appeal Brief indicated that the Appeal Brief did not indicate the claims that were appealed, and that resubmitted only the defective portion would be acceptable. Accordingly, Appellants present Section III of the Appeal Brief, indicating the claims that are appealed. For the foregoing reasons, Appellant respectfully submits that the Appeal Brief is now compliant.

Dated: Feb. 18, 2010

Respectfully submitted,

/Mirut Dalal/

Mirut Dalal  
Reg. No. 44,052

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street, 34th Floor  
Chicago, Illinois 60661-2565

Telephone: (312) 775-8000  
Facsimile: (312) 775-8100

#### **STATUS OF THE CLAIMS**

Claims 1-27 are presently pending. Claims 28-35 are cancelled without prejudice.

Claims 1, 3-7, 10, 12-16, 19, and 21-25 were rejected under 35 U.S.C. 103(a) as being obvious from U.S. Patent 7,116,441 to Matsuoka ("Matsuoka").

Claims 2, 8, 9, 11, 17, 18, 20, 26, and 27 were indicated as allowable but objected to for dependency on a rejected base claim.

Claims 1, 3, 10, 12, 19, and 21 are appealed.